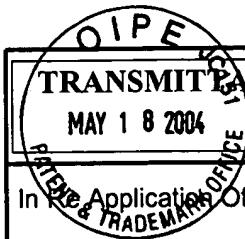


05/19/04

Jpw



TRANSMISSION OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
047221-00003

In RE: Application Of: **Harvey et al.**

Serial No.	Filing Date	Examiner	Group Art Unit
10/787,350	2/26/2004	TBD	TBD

Title: **DIETARY SUPPLEMENT**

Address to:

**Assistant Commissioner for Patents
 Washington, D.C. 20231**

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

O P E
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

MAY 18 2004

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
047221-00003

In re Application of: Harvey et al.

Serial No.
10/787,350

Filing Date
2/26/2004

Examiner
TBD

Group Art Unit
TBD

DIETARY SUPPLEMENT

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of _____ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 501346 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of _____
- Credit any overpayment.
- Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F

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Signature

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Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.


Signature

Dated: 5/17/04

C. Brandon Browning, Reg. No. 44,570

Sirote & Permutt, P.C.

P.O. Box 55727

Birmingham, AL 35255-5727

205-930-5141

Fax: 205-930-5101

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of

Bryce M. Harvey, et al.

For: DIETARY SUPPLEMENT

U.S. Serial No. 10/787,350

Filed: February 26, 2004

P.O. Box 55727
Birmingham, Alabama 35255-5727
May 18, 2004

Commissioner for Patents
Mail Stop DD
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant hereby submits an Information Disclosure Statement in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98, for the above-identified application and Form PTO-1449 listing seven (7) United States patents nine (9) patent application publications and sixteen (16) articles. Copies of the patents, patent application publications and articles are also enclosed.

Applicant further submits that none of the enclosed patents or patent application publications render the claims of the application unpatentable; however, the patents are provided for the Examiner's consideration.

In particular, the current invention differs from all of the disclosed references in that none of the retrieved references disclose the identical combination of elements encompassed within the invention.

Applicant makes no representation that a search has been made or, if made, was complete, or that no more pertinent art than that listed is available. It is expected that the Patent and Trademark Office will conduct an independent search for relevant references.

Respectfully submitted,

SIROTE & PERMUTT, P.C.

By:



C. Brandon Browning
Reg. No. 44,570
205-930-5141

CBB:tr
Enclosures



INFORMATION DISCLOSURE CITATION
(use several sheets if necessary)

MAY 18 2004

ATTY DOCKET NO.
047221-00003

SERIAL NO.
10/787,350

FILING
2/26/2004 GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
A	5,405,613	4/11/1995	Rowland			
B	5,543,146	8/6/1996	Perez			
C	5,807,586	9/15/1998	Jackson et al.			
D	5,976,568	11/2/1999	Riley			
E	6,197,309 B1	3/6/2001	Wheeler			
F	US/2002/0001632 A1	1/3/2002	Revel			
G	US/2002/0001633 A1	1/3/2002	Revel			
H	6,399,115 B2	6/4/2002	Revel			
I	US/2002/0132800 A1	9/19/2002	Popp et al.			
J	US/2002/0137797 A1	9/26/2002	Meyskens, Jr. et al.			
K	US/2002/0155163 A1	10/24/2002	Benjamin et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

L	Kucuk, Omer et al., Effects of Lycopene Supplementation in Patients with Localized Prostate Cancer; Society for Experimental Biology and Medicine, 2002
M	Weinstein, Stephanie J., et al., Null Association between Prostate Cancer and Serum Folate, Vitamin B6, Vitamin B12 and Homocysteine; November 2003, Vol. 12, pp. 1271-1272

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. 047221-00003		SERIAL NO. 10/787,350	
				FILING 2/26/2004		GROUP	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	N	US/2003/0018066 A1	1/23/2003	Fleshner			
	O	6,555,142 B1	4/29/2003	Green			
	P	US/2003/0096009 A1	5/22/2003	Randhava et al.			
	Q	US/2003/0096024 A1	5/22/2003	Randhava et al.			
	R	US/2003/0147995 A1	8/7/2003	Koss et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES
							NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	S	Klein, Eric A., et al., The Selenium and Vitamin E Cancer Prevention Trial, March 2003					
	T	Wilt T, Ishani et al., Serenoa repens for benign prostatic hyperplasia (Cochrane Review) Issue 3, 2002					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Docket Number (Optional) 047221-00003	Application Number 10/787,350
Applicant(s) Harvey et al.	
Filing Date 2/26/2004	Group Art Unit

*EXAMINER INITIAL	OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>
U	Chen, Longwen, et al., Oxidative DNA Damages in Prostate Cancer Patients Consuming Tomato Sauce-Based Entrees as a Whole-Food Intervention, Journal of the National Cancer Institute, December 2001
V	Wilt, Timothy J., et al. Saw Palmetto Extracts for Treatment of Bening Prostatic Hyperplasia, November 1998
W	Veltri, Robert M., et al., Saw Palmetto Alters Nuclear Measurements Reflecting DNA Content in Men with Symptomatic BPH: Evidence for a Possible Molecular Mechanism, Urology 60, 2002
X	Richards, La'Toya Ross et al. The Synergistic Effect of Conventional and Sustained Delivery of Antioxidants on LNCaP Prostate Cancer Cell Line
Y	Venkateswaran, Vasundara et al., Modulation of Cell Proliferation and Cell Cycle Regulators by Vitamin E in Human Prostate Carcinoma Cell Lines, The Journal of Urology 2002
Z	Lasalvia-Prisco, Eduardo et al., Serum Markers Variation Consistent with Autoschizis Induced By Ascorbic Acid-Menadione in Patients with Prostate Cancer, Medical Oncology 2003
AA	Helzlsouer, Kathy J., Association Between ()Tocopherol, ()Tocopherol, Selenium and Subsequent Prostate Cancer, Journal of the National Cancer Institute 2000
BB	Heijmans, Bastiaan T. et al., A Common Variant of the Methylenetetrahydrofolate Reductase Gene (1p36) Is Associated with an Increased Risk of Cancer, Cancer Research, 2003
CC	Moyad, Mark A., et al., Vitamin E, Alpha - and Gamma-Tocopherol and Prostate Cancer, Seminars in Urologic Oncology, 1999, pp. 85-90
DD	Ni J, Chen, et al. Vitamin E succinate inhibits human prostate cancer cell growth via modulating cell cycle regulatory machinery, National Library of Medicine 2004
EE	Zu K, Ip C., Synergy between selenium and vitamin E in apoptosis induction is associated with activation of distinctive initiator caspases in human prostate cancer cells, National Library of Medicine 2004
FF	Selhub, J., et al., Vitamin status and intake as primary determinants of homocysteine in an elderly population, American Medical Association, 1993

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Bryce M. Harvey et al.

MAY 18 2004

Docket No.

47721-00003

Serial No.
10/787,350Filing Date
2/26/2004 & TRADEMARK OFFICEExaminer
TBDGroup Art Unit
TBD

Invention: DIETARY SUPPLEMENT

I hereby certify that the following correspondence:

Information Disclosure Statement with attached patents, patent publications and articles and postal receipt card

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

5/18/2004

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